

of fruit per 8-pound sample is to be used.

Column 1 numerical count size designation	Column 2 maximum number of fruit per 8-pound sample
21	22
25	27
27/28	30
30	32
33	35
36	40
39	45
42	50
45	55

The average weight of all sample units in a lot must weigh at least 8 pounds, but no sample unit may be more than 4 ounces less than 8 pounds.

(v) For shipments in volume fill containers in which the quantity is specified by count, the count must equal three times the size designation in accordance with tolerances specified in the U.S. Standards for Grades of Kiwifruit (7 CFR 51.2328(c)(2)).

(vi) All volume fill containers of kiwifruit designated by weight shall hold 22-pounds (10-kilograms) net weight of kiwifruit unless such containers hold less than 10-pounds or more than 35-pounds net weight of kiwifruit.

(b) *Definitions.* (1) The term *KAC No. 1 quality* means kiwifruit that meets the requirements of the U.S. No. 1 grade as defined in the United States Standards for Grades of Kiwifruit (7 CFR 51.2335 through 51.2340), except that the kiwifruit shall be "not badly misshapen," and an additional tolerance of 7 percent is provided for kiwifruit that is "badly misshapen". The terms *fairly uniform in size* and *diameter* mean the same as defined in the U.S. Standards for Grades of Kiwifruit.

(2) Size designations means the same as defined in the table in (a)(4)(iii) of this section.

(c) *Exemptions.* Any person may handle kiwifruit without regard to the provisions of this section provided that such kiwifruit is handled for (1) consumption by charitable institutions; (2) distribution by relief agencies; or (3) commercial processing into products. For the purposes of this section, *commercial processing into products* means

that the kiwifruit is physically altered in form or chemical composition through freezing, canning, dehydrating, pulping, juicing, or heating of the product. The act of slicing, dicing, or peeling shall not be considered commercial processing into products.

[50 FR 36568, Sept. 9, 1985, as amended at 51 FR 33564, Sept. 22, 1986; 52 FR 37130, Oct. 5, 1987; 53 FR 34035, Sept. 2, 1988; 53 FR 48513, Dec. 1, 1988; 54 FR 41436, Oct. 10, 1989; 55 FR 42181, Oct. 18, 1990; 56 FR 64942, Dec. 13, 1991; 57 FR 41854, Sept. 14, 1992; 57 FR 46243, Oct. 7, 1992; 58 FR 3069, Jan. 7, 1993; 58 FR 43245, Aug. 16, 1993; 59 FR 45620, Sept. 2, 1994; 59 FR 53565, Oct. 25, 1994; 60 FR 32260, June 21, 1995; 62 FR 49131, Sept. 19, 1997]

§ 920.303 Container marking regulations.

No handler shall ship any kiwifruit except in accordance with the following terms and conditions:

(a) Each package or container of kiwifruit shall bear on at least one outside principal display panel in plain sight and in plain letters, the word *kiwifruit*, the name of the variety (if other than the Hayward variety), if known or, when the variety is not known, the words *unknown variety*.

(b) Each package or container of kiwifruit shall bear on one outside principal display panel in plain sight and in plain letters the name and address (including the city, state, and zip code) of the shipper.

(c) Each package or container of kiwifruit shall bear on one outside principal display panel in plain sight and in plain letters the following information regarding the quantity of kiwifruit packed within the container:

(1) The quantity shall be indicated in terms of count for kiwifruit packed in cell compartments, cardboard fillers, or molded trays, and the contents shall conform to the count.

(2) The quantity shall be indicated in terms of the size designation and either the net weight for volume-fill containers packed by weight or the count for volume-fill containers packed by count.

(3) For bulk bins, the quantity shall be indicated in terms of the size designation and net weight; or in terms of the size designation, net weight, and count.

(4) Master containers, which hold more than one individual package, must be properly marked with the quantity of the contents. The size designation must also be indicated.

(5) The quantity shall be indicated in terms of either net weight or count (or both) for individual consumer packages. If count is used, it must be accompanied by the size designation.

(6) Designations of size, count, and net weight on each container shall be accompanied by the words *size*, *count*, or *net weight* as applicable.

(d) All exposed or outside containers of kiwifruit, but not less than 75 percent of the total containers on a pallet, shall be plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector; except for individual consumer packages and containers that are being directly loaded into a vehicle for export shipment under the supervision of the Federal or Federal-State Inspection Service.

(e) As used in this section, the term *principal display panel* means that part of the package or container most likely to be displayed, presented, shown or examined under normal or customary conditions of display and purchase.

[58 FR 43246, Aug. 16, 1993, as amended at 61 FR 13395, Mar. 27, 1996]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

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